

## **MOTION PRACTICE GUIDELINES**

### **A. Scheduling.**

1. Motions to dismiss may be filed at any time. Motions for summary judgment should usually be filed following the close of discovery. If additional discovery is necessary, counsel should attempt to secure a stipulation for extension from opposing counsel. If agreement cannot be reached, the party desiring the extension should contact the court's case manager **JUDY CASSADY at (313) 234-5160** for direction before filing a motion.
2. After all briefs have been filed (motion, response and reply), the case manager will generally set a date for a hearing. The dates are firm and extensions will be granted only for good cause shown. Again, counsel desiring an extension should contact the case manager.
3. In order to avoid unnecessary travel by counsel, the Court will liberally grant requests to conduct hearings by conference call. The Court will entertain any reasonable suggestion that will reduce the time, expense, and inconvenience required to resolve a case.

### **B. Briefing Guidelines.**

1. Summary Judgment.
  - a. Before filing or responding, the parties are urged to familiarize themselves with Celotex Corp. v. Catrett, 477 U.S. 317 (1986), Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986), and Matsushita Electric Industrial Co., Ltd. v. Zenith Radio Corp., 475 U.S. 574 (1986). An excellent summary of these cases appears in Street v. J.C. Bradford & Co., 886 F.2d 1472 (6th Cir. 1989). See also Schwarzer, Summary Judgment under the Federal Rules: Defining Genuine Issues of Material Fact, 99 F.R.D. 465 (1984).
  - b. The moving party's papers shall include in separate numbered paragraphs a statement of material facts not in dispute, supported by appropriate citations to the record. In response, the opposing party shall file a counter-statement of disputed facts in separately numbered paragraphs following the order of the movant's statement with appropriate citations. The statements should be non-argumentative and avoid the use of color words or distortions of the record in a party's favor. Counsel should avoid conclusory, speculative, or conjectural statements in support of a position. Hearsay statements and other inadmissible evidence cannot be considered.

c. Facts stated in the statement of material facts must be supported with citations supportive of the pleadings, interrogatories, admissions, depositions, affidavits and documentary exhibits. The appropriate portion of the text of a source cited shall be highlighted and filed with the Court as part of an appendix separate from the brief. The text cited shall be placed in proper context. The appendix shall contain an index and shall be tabbed.

d. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus their analysis on a few well chosen cases, preferably recent and from controlling courts. Counsel are encouraged to supply the Court with copies of their main cases, with the relevant passage highlighted and tabbed. Where unpublished opinions or opinions published only in a specialty reporter are cited, copies of the cases must be submitted along with the brief. Cases should be supplied in a separate appendix, and the appendix should contain an index.

2. Counsel are encouraged to familiarize themselves with the Court's published opinions on relevant issues. A list of opinions is available on the LEXIS and WESTLAW database. Additional guidance on the Court's views on motion and trial practice can be found in Cohn, Effective Brief Writing: One Judge's View, 62 Mich. B.J. 987 (Nov. 1983) and Cohn, Effective Trial Practice: One Judge's View, 61 Mich. B.J. 977 (Dec. 1982).

**NOTE: THE COURT'S REQUIREMENTS FOR BRIEFS AND EXHIBITS ARE ATTACHED. PLEASE REFER TO IT.**